CHIEF ELECTORAL OFFICE

ELECTIONS BC *News Release*

For Immediate Release

Date: March 30, 2006

Recommendations for Legislative Change

Victoria – Chief Electoral Officer Harry Neufeld today submitted a report to the Legislative Assembly containing more than 60 specific recommendations for amendments to the *Election Act*. Under section 13(1)(d) of the *Election Act*, the Chief Electoral Officer may make recommendations regarding amendments to the *Election Act* or other enactments affecting election matters.

The purpose of the report is to identify and examine issues that have arisen in election administration and provide recommendations for legislative amendments that, if implemented, provide effective solutions. The report's recommendations are balanced to serve the interests of voters, candidates, registered political parties and election administrators, and are intended to enhance electoral democracy in British Columbia. As required by section 16(2)(c) of the *Election Act*, the Election Advisory Committee has been consulted regarding these recommendations, and endorses their adoption.

The Chief Electoral Officer does not have the authority to change legislation. Therefore, legislators must now review the report and determine whether changes will be made in the form of amendments to the *Election Act*.

The Chief Electoral Officer's report on Recommendations for Legislative Change may be accessed at www.elections.bc.ca/elections/elections-results.htm.

Elections BC is a non-partisan Office of the Legislature responsible for the impartial administration of provincial elections and referendums, voter registration and voter education.

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Report of the Chief Electoral Officer

Recommendations for Legislative Change

March 2006

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March 30, 2006

The Honourable Bill Barisoff
Speaker of the Legislative Assembly
Province of British Columbia
Parliament Buildings
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Honourable Speaker:

I have the honour to present the Report of the Chief Electoral Officer on Recommendations for Legislative Change.

This report is submitted to the Legislative Assembly in accordance with section 13(1)(d) of the *Election Act*.

Sincerely,

Harry Neufeld
Chief Electoral Officer

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Introduction

Electoral law, like democracy, must adapt and change to reflect the needs of the society it serves. Social attitudes, public expectations and practical aspects of electoral administration and political competition must all be considered and reflected in the laws that govern our democratic processes.

Following every general election, the Chief Electoral Officer publishes a report regarding the proceedings. In previous years, the reports have included recommendations for legislative amendments to address administrative issues that have arisen between and during the election campaigns. Unfortunately, very few of the recommendations have been acted upon, with many issues initially brought to the attention of the Legislative Assembly following the 1996 General Election remaining unresolved.

This report contains more than sixty specific recommendations for amendments to the *Election Act* to address issues of fairness, efficiency and effectiveness of electoral administration and participation in electoral democracy. As required by section 16(2)(c) of the *Election Act*, the Election Advisory Committee has been consulted regarding these recommendations, and endorses their adoption. To ensure consistency with related legislation, there are also two recommendations for amendments to the *Recall and Initiative Act*.

Additionally, this report raises several matters of public policy that would benefit from legislators' consideration and debate. The *Election Act* of British Columbia was established in 1995, and provides generous access to voter registration, voting opportunities and candidacy. The public policies reflected in the Act represent the democratic ideals of British Columbia at the time of its passage. However, it is important that the legal framework of electoral democracy in British Columbia evolves with changing Canadian societal values regarding democratic rights.

Further recommendations for legislative amendments will be made by my office in the coming years to reflect the evolution of technology in electoral administration and the possible adoption of a single transferable vote electoral system. However, it is my request that the specific recommendations contained in this report be considered for early adoption to permit their use in any by-elections prior to the 2009 General Election.

Election administration is a business of details, with cautious innovation necessary to ensure the integrity of the electoral process and maintain public confidence in that process. The recommendations in this report represent the interests of voters, candidates, registered political parties and Elections BC, and are intended to enhance democracy in British Columbia.

Recommendations for Amendments to the *Election Act*

Section 3 – Amendments do not apply for six months unless notice given
The Act currently allows a six month implementation period for amendments before they apply to an election. Many provisions in the Act do not have specific relation to an election, but an implementation period may be necessary for their amendments.

Recommendation:

Amendments to the Act should not apply until six months after Royal Assent, unless a Gazette notice of readiness is published earlier.

Section 18(1)(b) – District electoral officers
The Act currently establishes that a Deputy District Electoral Officer must be appointed for each electoral district, but does not explicitly provide for additional Deputy District Electoral Officers in an electoral district. This is insufficient in large electoral districts, where a satellite office may be necessary. This amendment would be consistent with section 22(1)(b) which establishes that one or more Deputy District Registrars of Voters may be appointed for an electoral district.

Recommendation:

Clarify that more than one Deputy District Electoral Officer may be appointed for an electoral district.

Section 24 – Order for a general election; and
Section 25 – Order for a by-election
The *Constitution Act* has established that General Voting Day for fixed-date general elections shall be a Tuesday. For consistency, it would be desirable to establish that General Voting Day for all elections be a Tuesday.

Recommendation:

Tuesday should be made General Voting Day for all elections held under the *Election Act*.

Section 28 – Notice of election
The Act requires publication of a notice of election within 11 days of an election being called. Section 270 requires that this publication be in newspapers. Newspaper publication is not always an efficient or effective means of communicating information to the public. The use of "householder" brochures, direct mail and other media are often more appropriate.

Recommendation:

Provide discretion for the Chief Electoral Officer to determine the appropriate way to communicate the information in the notice of election to the public.

If the recommendation to amend the nomination period (s. 56) is adopted, the deadline for publication of the notice of election should be amended to within eight days of an election being called.

Section 31 – Who may register as a voter

Voter registration by eligible voters 18 - 24 years of age is the lowest of all age groups. The most effective means of registering youth may be to approach them in high school. Currently, voter registration is restricted to those at least 18 years of age; an age when many youth have left high school. Australia has addressed this issue by allowing provisional voter registration of 17 year olds. In British Columbia, using the age of 16 would permit Elections BC to work with schools and the driver licensing program to ensure maximum exposure to the registration process for young voters. The voting age could continue to be 18, with provisional registration becoming active registration on an individual's 18th birthday.

Recommendation:

Permit the provisional voter registration of otherwise qualified 16 year olds.

Section 36 – General registration

During general registration, individuals often contact Elections BC by telephone to confirm or update their registration, or to register. Although confirmations and updates can be made directly over the phone, the Act does not provide for registration by telephone.

Recommendation:

Permit registration of voters by telephone during the general registration period. Individuals would be required to provide a voter registration official with the information required on an application for registration form, and verbally confirm that they meet the requirements of section 31 to be a registered voter.

A subsequent amendment will be made to the Voter Registration Regulation to require that a voter using telephone registration provide either the last six digits of their social insurance number or a B.C. driver's license number. This is consistent with the requirements when registering online.

Section 41(3) – Registration in conjunction with voting

Qualified individuals may register in conjunction with any voting opportunity. To satisfy the official of the applicant's identity, the Act requires that the individual provide a least two documents that provide, in combination, the individual's name, residential address and signature. If no documents contain the individual's residential address, at least two documents are still required and the individual may make a solemn declaration as to their place of residence. This requirement is a barrier to registration for voters who are in medical facilities or correctional facilities, where the individuals do not have identity documents in their possession.

Recommendation:

As an exception to section 41(3), provide discretion to election officials administering voting in medical facilities or correctional facilities to only require one document with the voter's name, and permit the voter to make a solemn declaration as to their residential address.

Section 48(1) – Access to lists of voters during election

The Act currently requires that each candidate be provided with two printed copies of both the preliminary and revised voters lists, and an electronic copy if available. Candidates are entitled to up to eight additional printed copies of the preliminary and revised lists upon request. Most candidates only pick up the electronic list, resulting in considerable waste of paper and expense in preparing the printed copies.

Recommendation:

Establish that candidates are entitled to one electronic copy of both the preliminary and revised voters lists. Candidates who are unable to utilize an electronic copy may request one printed copy of each list.

Part 5 - Candidates

Individuals often declare their intent to become a candidate and political parties and/or constituency associations typically nominate their potential candidates well in advance of an election. Despite being able to file standing nomination papers with Elections BC, most nominees do not file nomination papers until close to the election period. A candidate is defined in section 1 of the *Election Act* as "an individual who is a candidate within the meaning of section 63, and for the purposes of Parts 10 and 11 includes an individual who becomes a candidate or who was a candidate." This definition means that for election financing and election communication purposes, individuals are candidates even before they file nomination papers with Elections BC and are therefore subject to the financing and communication provisions of the *Election Act*. Until an individual actually files nomination papers, Elections BC currently has no mechanism for identifying such persons or communicating with them. This means that election financing transactions are likely to be incurred before the person has appointed a financial agent or is even aware of the financing provisions.

Recommendation:

Require individuals who publicly declare their intent to become a candidate, and nominees selected by their registered political party and/or constituency association to be a candidate in the next election in an electoral district, to file a notice with Elections BC within 15 days after their declaration or selection as a nominee. This notice of intent should include the appointment of a financial agent. This would allow Elections BC to communicate with the potential candidate and financial agent well in advance of the election period, helping to ensure knowledge of, and compliance with, the election financing provisions.

Section 54(3)(g) – Nomination documents

Individuals who file a notice of intent regarding candidacy may already have appointed their financial agent, therefore an appointment form may not be necessary as part of the nomination documents.

Recommendation:

Clarify that the appointment of a financial officer is only required to be filed with nomination documents if not filed earlier by the nominee.

Section 56(1) – Nomination by filing documents with the district electoral officer
There are extensive opportunities for an individual to file nomination documents in order to become a candidate. However, in the 2005 General Election 10% of candidates waited until the final day to file their papers, resulting in delays in ballot printing. The period between the close of nominations and the beginning of advance voting is currently only one week, creating enormous pressure to print and distribute ballots. The ordinary nomination period should end earlier in the campaign period to provide more time for ballot production and distribution before the beginning of advance voting, and lessen the impact of last-minute filers. It would be appropriate for the ordinary nomination period for a fixed-date election to commence on the day the election is called. For by-elections, the ordinary nomination period should not commence immediately, as the District Electoral Officer may not have an office until several days after the election is called.

Recommendation:

Establish the ordinary nomination period for a fixed-date general election as beginning on the day is called, and ending at 1 p.m. on the 10th day after the election is called.

For a by-election, or a general election that is not conducted in accordance with the fixed dates established by the *Constitution Act*, the ordinary nomination period should commence on the 6th day after the by-election is called and end at 1 p.m. on the 10th day after the election is called.

Section 57 – Standing nominations filed with the chief electoral officer
British Columbia has a standing nomination process, which over 50% of candidates used in the 2005 General Election. The current standing nomination process permits nominees to submit most of their nomination documents prior to an election being called, with the final two documents being filed between the issuance of the writ and the end of the day prior to the commencement of the ordinary nomination period. However, individuals should not become candidates until a writ of election is issued.

Recommendation:

Establish that standing nominees may file all nomination documents prior to the issuance of a writ of election. For fixed-date general elections, the deadline for filing standing nomination documents with the Chief Electoral Officer should be the end of the day before the date on which the writs of election are to be issued.

For a by-election, or a general election that is not conducted in accordance with the fixed dates established by the *Constitution Act*, the standing nomination period should end on the day before the beginning of the ordinary nomination period.

Section 57(8) should be amended to clarify that a certificate of candidacy must not be issued by the Chief Electoral Officer prior to an election being called.

Section 57(9) – Standing nominations filed with the chief electoral officer
The *Election Act* requires that all standing nomination papers be forwarded to the respective District Electoral Officers by the Chief Electoral Officer following the close of the standing nomination period. This includes those papers from individuals who withdraw their candidacy

during the standing nomination period and those who fail to complete the filing required for a standing nomination. As these particular individuals are not candidates, there should not be a requirement to forward their nomination papers to District Electoral Officers. These individuals may reconsider and decide to become candidates during the nomination period, and file a second set of nomination documents directly with a District Electoral Officer. Having two sets of nomination documents for the same individual in a district electoral office can result in considerable confusion for all involved. The standing nomination documentation for these individuals should be retained at the office of the Chief Electoral Officer.

Recommendation:

Standing nomination papers of those individuals who have withdrawn or who fail to complete their filing should be retained in the office of the Chief Electoral Officer.

Section 57(9) – Standing nominations filed with the chief electoral officer

The Act requires that original nomination documents be sent to the District Electoral Officers following the close of the standing nomination period and then returned to the Chief Electoral Officer at the end of the election. Public inspection copies are made of all nomination documents so that personal information may be obscured if requested. Only public inspection copies of standing nomination documents should be sent to the District Electoral Officers to protect original documents from loss or damage.

Recommendation:

Establish that only copies of nomination documents are to be forwarded to the District Electoral Officers. Original documents should be retained by the Chief Electoral Officer.

Section 62 – Notice of election by voting

Through changes in technology and communications media, centralized management of advertising is often most efficient. This section should parallel section 28, which establishes flexibility for the Chief Electoral Officer to publish a notice or direct the District Electoral Officer to do so. The contents of the notice may be more effectively communicated in two or more separate advertisements or media. The Chief Electoral Officer should have discretion in how the necessary information is communicated, and whether it is done in one or more notices. (Also see recommendations for s. 28 and s. 270.)

Recommendation:

Establish discretion for the Chief Electoral Officer to determine the appropriate way to communicate the information to the public.

Section 64 – Withdrawal of candidate

The Act permits candidates to withdraw their candidacy up to 48 hours before the start of general voting. At the 2005 General Election, over 201,000 voters cast ballots in advance of General Voting Day. At the 1996 General Election, over 90,000 voters voted during the advance voting period and four candidates withdrew their candidacy during that time. As a

result of these withdrawals, voters were effectively disfranchised by having cast their vote for one of those candidates.

Recommendation:

Change the deadline for withdrawal as a candidate to 48 hours before the start of advance voting.

Section 76(3) – Advance voting opportunities for an electoral district

The hours for advance voting are currently established as from noon to 9 p.m. There is a lineup of voters at the beginning of each advance voting day. Voters who wish to vote during their lunch break from school or work find it inconvenient due to the lineups. Adjusting voting hours to 11 a.m. to 8 p.m. will mitigate this problem, without changing the total number of hours available for advance voting. District Electoral Officers have advised Elections BC that voter traffic at advance voting locations between 8 p.m. and 9 p.m. is minimal.

Recommendation:

Adjust the hours of advance voting to 11 a.m. to 8 p.m. on each day of advance voting.

Section 77(4) – Special voting opportunities; and
Section 80(4) – Voting areas

The term "special voting area" implies that special voting is conducted at that location, with ballots placed in certification envelopes. In fact, general voting procedures are followed at special voting areas, with ballots placed directly into a ballot box. Special voting areas are established for locations where the voters are normally resident, but have limited mobility, such as long-term care facilities. Each of these voting areas is specifically identified by its physical address. The word "special" should be replaced with another term to eliminate confusion with special voting.

Recommendation:

The term "special voting area" should be replaced to avoid confusion with special voting. "Site-based voting area" would be a preferable term, providing a more descriptive name for these voting areas.

Section 86(4) – Ballots

Where two or more candidates in an electoral district have the same name, the Chief Electoral Officer may modify the names or include additional information in order to differentiate those candidates on the ballot. However, the *Election Act* requires that the candidates agree with the Chief Electoral Officer's determination. If agreement is not achievable, candidates and voters will be adversely affected by confusion between candidates with the same names.

Recommendation:

Remove the requirement for candidate approval to permit the Chief Electoral Officer to deal effectively with the ballot issue of candidates with the same name.

Section 103(1) – When an individual may vote by alternative absentee voting

As a result of fixed dates for general elections, district electoral offices may be established prior to an election being called. In the 2005 General Election, many voters requested voting packages prior to the issuance of the writs. An amendment is necessary to clarify that voting is not available until after an election has been called.

Recommendation:

Establish that voting under Division 5 of Part 6 must be available as soon as reasonably possible after an election is called.

Section 109(4) – Individuals needing assistance to mark their ballots

The Act permits an individual to be assisted in marking their ballot by an election official or another individual. An election official may assist many voters. However, another individual may only assist one voter. An exception is made for members of the individual's family. Residents of extended care facilities and group homes often have a unique relationship with their caregivers, who may be in the best position to communicate with the voters and assist them in marking their ballots.

Recommendation:

Permit individuals to assist one or more voters in the individual's care.

Section 134 – Consideration of certification envelopes

This section deals with the consideration of certification envelopes in preparation for final count. It references section 124, which deals with objections to the acceptance of a vote or rejection of a ballot. The process established in section 124(4) requires the marking of an objection on the back of a ballot, which under section 134(3) has not yet been removed from the certification envelope. Specific rules should be established with respect to the process to be followed in recording an objection to whether a certification envelope is to remain unopened.

Recommendation:

Make it clear that where reference is made to a ballot in section 124, it should be read as a certification envelope in relation to section 134(3).

Section 136(1)(b) – Recount by district electoral officer of ballots considered in initial count

During preparations for the final count following the 2005 General Election, nine requests for recounts were received from candidates. In most cases, there were no grounds provided to justify the request and the margins between the two leading candidates were significant and unlikely to change materially as a result of a recount. Recounts are expensive to conduct, and require considerable resources. Grounds should be established for a recount as part of final count. A deadline should also be established for such requests to permit adequate preparation time.

Recommendation:

Establish grounds for recounts requested by candidates as part of the final count. The grounds for requesting a judicial recount could be used as a guideline. Establish a deadline for such requests – no later than three days after General Voting Day would provide enough planning and preparatory time.

Section 140(1) – Notice of time and place for recount

The Act currently allows the courts 24 hours to establish the date, time and place at which a judicial recount will be conducted. This is considered to be insufficient time by the courts. Extending this to 72 hours need not delay the commencement of a judicial recount, as section 140(2) specifies that the date set for the judicial recount must be no later than eight days after the petition is filed.

Recommendation:

Amend section 140(1) to permit 72 hours for the date, time and place of a judicial recount to be established.

Section 154(1) and (3) – Benefits of registration

A political party must be registered in order to issue tax receipts. If the registration of a political party is suspended under the *Election Act*, they may not issue tax receipts during the period of the suspension. However, there is nothing in the *Election Act* that prohibits them from collecting political contributions during the suspension period and issuing tax receipts for those political contributions after the end of the suspension period. To allow political parties and constituency associations to accept political contributions during the suspension period and later issue tax receipts for them significantly reduces the consequences of a suspension and would appear to be inconsistent with the intent of the Act.

Recommendation:

Establish that political parties and constituency associations must not issue tax receipts for political contributions received during a suspension period.

Section 155(3)(f) – Registration of a political party

Section 155(3) establishes the information which a political party must file as part of its application for registration. Section 155(3)(f) requires a political party to provide the address to which communications to the political party may be addressed. However, it does not require the name of an individual to whom communications should be addressed. Without the name of an individual it can be difficult to identify who should receive information when Elections BC needs to contact a political party or who is actually receiving information sent to the political party.

Recommendation:

Require a political party to provide the name of an individual to whom communications to the political party may be addressed.

Section 157(3)(d) – Registration of a constituency association

Section 157(3) establishes the information which a constituency association must file as part of its application for registration. Section 157(3)(d) requires a constituency association to provide the address to which communications to the constituency association may be addressed. However, it does not require the name of an individual to whom communications should be addressed. Without the name of an individual it can be difficult to identify who should receive information when Elections BC needs to contact a constituency association or who is actually receiving information sent to the constituency association.

Recommendation:

Require a constituency association to provide the name of an individual to whom communications to the constituency association may be addressed.

Section 155(3)(g) – Registration of a political party; and
Section 157(3)(e) – Registration of a constituency association

Section 155(3) establishes the information which a political party must file as part of its application for registration. Section 155(3)(i) requires the filing of the name and address of the financial agent. Often the contact address for the political party and the address where records are kept is that of the financial agent. There have been numerous instances where the financial agent has given up that role, and Elections BC has not been informed of the name and address of the new financial agent. Consequently, there is no way to contact that political party. Section 155(3)(g) requires that only the names of the principal officers of the political party be filed as part of the application. To ensure that Elections BC has more than one address through which it can correspond with a political party, principal officers of a political party should have contact addresses on file with Elections BC. Similar issues regularly arise with constituency associations.

Recommendation:

Amend section 155(3)(g) to require the filing of a contact address for each of the principal officers of a political party. Section 157(3)(e) should be similarly amended for constituency associations.

Section 155(3)(j) – Registration of a political party; and
Section 157(3)(h) – Registration of a constituency association

Section 276 of the *Election Act* requires the Chief Electoral Officer to "conduct periodic investigations of the financial affairs of registered political parties, registered constituency associations, candidates, leadership contestants and registered sponsors for the purpose of ensuring compliance with this Act." The Chief Electoral Officer also conducts audits and other financial investigations. These investigations have been significantly hampered by the inability of Elections BC to access bank account records because there is no requirement to file account numbers when filing the names and addresses of the savings institutions to be used by the political party or constituency association.

Recommendation:

Amend sections 155(3)(j) and 157(3)(h) to require the account numbers as well as the names and addresses of the savings institutions to be filed as part of the registration documentation in order to facilitate audits and investigations.

Section 159 – Changes in registration information

This section requires that registered political parties and registered constituency associations file with the Chief Electoral Officer notice of any change in the information contained in their registration documentation within 60 days after the change occurs. The majority of the changes are in relation to changes in principal officers and financial agents. Many organizations fail to advise Elections BC of such changes. This results in considerable administrative effort on the part of Elections BC to find out who the new officers and agents are and how to contact them.

Section 262 establishes an offence and provides penalties of up to $5,000 and/or imprisonment for up to one year, for failure to provide the notice within 60 days. Realistically, it is unlikely that the Crown would prosecute such an offence. It would be more effective to have an administrative penalty of suspension of registration until the updated information is filed with the Chief Electoral Officer. A suspension of registration prohibits the issuance of tax receipts, the incurring of election expenses, and identification on the ballot.

Recommendation:

Amend section 159 to include an administrative penalty of suspension of registration of an organization which does not file notice of a change within 60 days after it occurs, until the updated information is provided.

Section 162 – Registers and other information to be open to the public

This section requires that the registers of political parties and constituency associations, and the information filed by those organizations, be available for public inspection. The recommendation that account numbers of the savings institutions used by political parties and constituency associations be filed with Elections BC would result in those account numbers being made public. Such information should be confidential.

Recommendation:

Amend section 162 to exclude the account numbers from information available for public inspection.

Section 170 – Financial reports required on deregistration; and
Section 171 – Assets of deregistered organization to be held in trust

The Act requires that a deregistered organization submit financial reports and any surplus funds, to be held in trust by the Chief Electoral Officer, following the deregistration. There is no deadline, however, by which the organization is to do so, which can effectively mean no final report or accounting for the organization's funds.

Recommendation:

Establish a deadline of six months after the date of deregistration for the filing of the final financial report and any surplus funds.

Section 170 – Financial reports required on deregistration

Section 170 requires an organization to file two separate financial reports upon deregistration; one at official deregistration and one upon the financial wrap-up of the organization. Both of

these reports must be audited. For a small organization with limited financial resources the required audits may cost more than the funds available.

Recommendation:

Establish that an audit is only required if there has been $5,000 or more in expenditures or political contributions since the filing of the previous financial report.

Section 175 – Requirement for financial agent

The Act requires registered political parties and registered constituency associations to have a financial agent, and if the appointment of the financial agent ends for any reason, the organization must appoint a new one "as soon as possible." There is often a considerable delay in appointing new financial agents, and Elections BC finds it very difficult to complete compliance reviews when there is no one in that capacity. The absence of a financial agent is contrary to the intent of the Act, and means no one is accountable for the financial affairs of the organization. It would be appropriate to establish a deadline for replacing financial agents to ensure continuity and compliance with the requirements of the Act.

Recommendation:

Amend section 175(4) to require a registered political party or registered constituency association to appoint a new financial agent within 60 days of a vacancy occurring.

Section 177(2) – Obligations of financial agent;
Section 207(3)(g) – Annual financial reports by registered political parties and constituency associations;
Section 209(2)(e) – Election financing reports by candidates;
Section 210(2)(e) – Election financing reports by registered political parties and constituency associations; and
Section 211(2)(c) – Leadership contestant financing reports

These sections establish the information that must be disclosed in relation to loans. The Act does not specify that the due date of a loan must be recorded or disclosed. However, section 181(3) establishes that a debt becomes a political contribution if it remains unpaid for six months after becoming due if no legal proceedings to recover the debt have been commenced by the creditor. It is therefore important that the due date of a loan be recorded and disclosed to establish whether the debt has become a political contribution.

Recommendation:

Amend section 177(2) to include the due date as information that must be recorded at the time a loan is made. Amend sections 207(3)(g), 209(2)(e), 210(2)(e) and 211(2)(c) to require the disclosure of the due date of loans.

Section 177(2)(b) – Obligations of financial agent

The Act requires that the financial agent for every political party, constituency association, leadership contestant and candidate establish an account in a savings institution to process their respective financial transactions. A clarifying amendment is required to ensure

that financial agents recognize that there must be a separate account established for each organization, contestant and candidate to prevent the combining of financial transactions and to ensure an adequate audit trail.

Recommendation:

Require a financial agent of a political party, constituency association, leadership contestant or candidate to establish a separate bank account for each organization or individual they represent as a financial agent.

Section 178 – Deputy financial agent for issuing tax receipts

The Act restricts the authority of deputy financial agents to the receiving of political contributions and the issuing of income tax receipts for those contributions. The Act should be amended to permit deputy financial agents to file financing reports in the absence or incapacity of the financial agent.

Recommendation:

Permit a deputy financial agent to file financing reports in the absence or incapacity of the financial agent.

Section 179 – Appointment of auditor

The Act requires registered political parties, registered constituency associations and candidates to have an auditor, and if the appointment of the auditor ends for any reason, a new one be appointed "as soon as possible." There is often a considerable delay in appointing a new auditor, and Elections BC finds it very difficult to complete compliance reviews when there is no one in that capacity. The absence of an auditor is contrary to the intent of the Act. It would be appropriate to establish a deadline for replacing auditors to ensure availability and compliance with the requirements of the Act.

Recommendation:

Amend section 179(2) to require a candidate, registered political party or registered constituency association to appoint a new auditor within 60 days of a vacancy occurring.

Section 180(6) – Political contributions generally

The Act provides for vertical transfers, but there is no provision for horizontal transfers between entities at the same level, for example between registered constituency associations or between candidate campaigns. The horizontal reallocation of resources, as transfers, should be provided for in the Act. Furthermore, consistent with the recommended amendment to section 193 regarding the incurring and paying of leadership expenses, registered political parties and their leadership contestants should be permitted to make transfers to each other.

Recommendation:

Permit transfers between candidates of the same registered political party and between registered constituency associations of the same registered political party and for transfers between a registered political party and its leadership contestants.

Section 183(4)(b) and (c) – Election expenses; and
Section 184(4)(b) – Contestant expenses
The Act refers to travel "to or within" an electoral district - but not travel "from" the electoral district.

Recommendation:

Amend sections 183(4)(b) and (c) and 184(4)(b) to include travel from the electoral district.

Section 183 – Election expenses; and
Section 203 – Expenses not to be included in calculating amounts subject to limit
Section 183(3) provides that a deficit incurred in holding a fundraising function during a campaign period is an election expense. Section 203(1)(f) provides that "expenses incurred in holding a fundraising function if no deficit is incurred" are to be excluded from expenses subject to expenses limits. The Act is not clear about how one is to deal with costs incurred in holding a fundraising function that does incur a deficit. If both the costs and the deficit were reported as separate election expenses, the amount of the deficit would be counted twice. This needs to be clarified in the Act.

Recommendation:

Make a clarifying amendment to section 203(1)(f) that, although a deficit incurred in holding a fundraising function during a campaign period is an election expense, the cost incurred in holding any fundraising function is not an election expense subject to the expenses limit.

Section 186(1)(c) – Restrictions on making political contributions
The Act requires a signed document (cheque, money order, credit card slip) from a contributor who makes a political contribution of money in an amount greater than $100. This requirement does not allow for an electronic transfer of funds by a debit card, or contributions by credit card on the Internet or by telephone, all of which are now standard methods of financial transactions.

Recommendation:

Permit political contributions to be made by the electronic transfer of funds from a bank account in the name of the contributor and by credit card without the need for a signature.

Section 189(3) – Prohibited contributions must be returned
The Act requires a financial agent to recover and destroy tax receipts that have been issued for prohibited contributions. Should the Commissioner of Income Tax wish to conduct an audit, there is no assurance that invalid receipts were actually recovered and not used by the taxpayer.

Recommendation:

Instead of destroying the tax receipts, require the financial agent to mark them

"Void" and retain the receipts for at least five years; the same time period established by section 177(2)(d) for the retention of financial records by the financial agent.

Section 193 – Restrictions on who may incur election and contestant expenses

The vastness of the province and the geography of some electoral districts can make it impractical for the financial agent of a registered political party, registered constituency association, leadership contestant, or of a candidate to incur and/or pay all election or contestant expenses. The Act does permit the financial agent to authorize others to incur and pay election expenses, but in a restrictive manner. The Act should be amended to permit those authorized in writing by the financial agent to incur and pay election and contestant expenses and be reimbursed for the expenses from the designated account in a savings institution.

Recommendation:

Permit persons authorized in writing by the financial agent to incur and pay election and contestant expenses and be reimbursed upon production of receipts.

Section 193 – Restrictions on who may incur election and contestant expenses

Political parties may have leadership contestants who do not have access to sufficient financial resources to allow travel throughout the province or to undertake some other contestant activity. A party may wish to assist those contestants by paying for some expenses. The Act does not provide for this situation.

Recommendation:

Permit a registered political party to pay for leadership contestant expenses of all contestants.

Section 201 – Political party expenses on behalf of candidate

This section stipulates that if a registered political party incurs an election expense on behalf of a candidate, the financial agent of the registered political party must notify the financial agent of the candidate and the election expense must be included in the election expenses of the candidate. If the recommended amendment to section 193 is accepted, permitting registered political parties to pay for expenses on behalf of their leadership contestants, such expenses should be deemed to be contestant expenses of the leadership contestant and the financial agent of the party should be required to notify the contestant's financial agent.

Recommendation:

Add a provision to section 201 that if a registered political party incurs a contestant expense on behalf of a leadership contestant, the expense must be included in the contestant expenses of the leadership contestant and the financial agent of the party must notify the contestant's financial agent of any such expenses.

Section 207 – Annual financial reports by registered political parties and constituency associations; and
Section 210 – Election financing reports by registered political parties and constituency associations

To ensure adequate and consistent reporting by registered political parties and registered constituency associations, the financial activities and information of all controlled organizations must be disclosed. Failure to do so could result in political entities having control over significant assets which are not reported.

Recommendation:

Require that financing reports of registered political parties and registered constituency associations include the financial information for all organizations controlled by the political entity.

Section 207(3)(d) – Annual financial reports by registered political parties and constituency associations;
Section 209(2)(d) – Election financing reports by candidates; and
Section 210(2)(d) – Election financing reports by registered political parties and constituency associations

These clauses require the reporting of transfers of money, but not the transfers of goods and services. This is inconsistent with section 180(6), which requires the reporting of goods and services. For consistency, these clauses should be amended to include the transfers of goods and services.

Recommendation:

Include transfers of goods and services in the transactions to be reported.

Section 211(a) – Leadership contestant financing reports

This section establishes the information that must be disclosed in a leadership contestant financing report. If the recommended amendments to section 180 are accepted, permitting transfers between registered parties and their leadership contestants, any such transfers made or received by the leadership contestants should be disclosed.

Recommendation:

Require transfers made or received by a leadership contestant to be disclosed in the leadership contestant financing report.

Section 213 – General requirements for reports

The term "generally accepted accounting principles" (GAAP) has a very strict interpretation. GAAP is established by the Canadian Institute of Chartered Accountants and requires significantly more disclosure than the *Election Act*. Reference to GAAP should be removed from the Act and another standard should be prescribed by Regulation, for example using the accrual basis of accounting. This will give flexibility for those who have to work with the Act and will be more easily amended to meet changing needs.

Recommendation:

Remove the requirement that financing reports be prepared in accordance with "generally accepted accounting principles" and replace it with an accounting basis to be prescribed by Regulation.

PART 11 – Election Communications

The *Election Act* contemplates that election advertising sponsors will be independent of registered political parties, registered constituency associations or candidates. This is evidenced by the section heading of section 244 which is "Independent sponsors must file disclosure reports." It is further evidenced by the requirement of section 240(3)(b) that an application to become a registered advertising sponsor be accompanied by a solemn declaration that the applicant does not intend to sponsor election advertising for any purpose related to circumventing the election expenses limits of a candidate or registered political party. However, the *Election Act* is not explicit that registered advertising sponsors must be independent of registered political parties, registered constituency associations and candidates.

Recommendation:

Explicitly require that registered election advertising sponsors be independent, and must not sponsor advertising in collusion with a candidate, a candidate's agent, registered political party, registered constituency association or a financial agent of any such entity.

PART 11 – Election Communications

During each electoral event, Elections BC receives complaints from residents of rental properties and strata properties who are not permitted to display election advertising at their residence. The *Canada Elections Act* specifically permits such activity during federal campaigns. This results in voter confusion, and an inconsistent approach in view of section 2(b) of the *Canadian Charter of Rights and Freedoms.*

Recommendation:

Specify that tenants of rental units and residents of strata properties may display election advertising at their residence.

Section 228 – Election advertising

Election advertising is defined as advertising during a campaign period (a) to promote or oppose, directly or indirectly, the election of a candidate, or (b) to promote or oppose, directly or indirectly, a registered political party. Advertising is not defined in the *Election Act*. It can therefore be difficult to determine if something constitutes election advertising. The increased use of the Internet has created particular challenges to determine if a website or an article on a website is advertising or simply commentary or an expression of a personal opinion. A definition of advertising in the Act would provide clarity for advertisers and Elections BC staff.

The definition could be similar to the one in the *Canada Elections Act*:

> election advertising means the transmission to the public by any means during an election period of an advertising message that promotes or opposes a registered party or the election of a candidate, including one that takes a position on an issue with which a registered party or candidate is associated. For greater certainty, it does not include
> (a) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news;
> (b) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election;
> (c) the transmission of a document directly by a person or a group to their members, employees or shareholders, as the case may be; or
> (d) the transmission by an individual, on a non-commercial basis on what is commonly known as the Internet, of his or her personal political views.

Recommendation:

Amend the *Election Act* to define advertising as it applies to election advertising.

Section 231 – Election advertising must identify sponsor

It is impractical to print 'authorization' statements for advertising on many minor items of personal wear or use, such as buttons, caps, t-shirts, bumper stickers, etc.

Recommendation:

Either exempt certain classes of advertising from sponsor identification or specify the classes of advertising to which sponsor identification would apply.

Section 231 – Election advertising must identify sponsor

Candidates are often identified and nominated by registered political parties before an election is called. However, a candidate may not select and appoint a financial agent until a time much closer to an election. It can be difficult for candidates to have signs and brochures prepared in advance of an election if they have not yet selected a financial agent.

Recommendation:

Permit the name of the financial agent of a registered political party to be identified on election advertising instead of the name of a candidate's financial agent.

Section 231 – Election advertising must identify sponsor; and
Section 264(1)(b) – Offences in relation to election advertising and other promotion

Election advertising must identify the name of the sponsor or, in the case of a candidate, the financial agent, and provide a telephone number or mailing address at which the sponsor can be contacted. Section 264(1)(b) establishes that it is an offence to contravene section 231 respecting identification of an election advertising sponsor. At every election, Elections BC deals with several instances of election advertising that is conducted without the required identification of the sponsor. Although it is an offence, it is difficult to enforce the Act in this regard as it is not likely that such an offence would result in prosecution.

Recommendation:

Establish authority for the Chief Electoral Officer or their representative to remove election advertising that does not contain the required sponsor identification.

Section 233 – Prohibition against certain election advertising on general voting day; and
Section 264(1)(d) – Offences in relation to election advertising and other promotion

It is an offence to conduct election advertising on General Voting Day by publishing it in a newspaper or magazine or on radio or television. If advertising is conducted this way on General Voting Day, it is not possible for anyone to respond to the advertising before the close of voting. Although it is an offence, it is difficult to enforce the Act in this regard as it is not likely that such an offence would result in prosecution.

Recommendation:

Establish an administrative penalty that can be imposed by the Chief Electoral Officer for conducting election advertising on General Voting Day.

Section 239 – Election advertising sponsors must be registered; and
Section 264(1)(h) – Offences in relation to election advertising and other promotion

Other than a candidate, registered political party or registered constituency association, any individual or organization which sponsors election advertising must be registered with the Chief Electoral Officer. Section 264(1)(h) establishes that it is an offence to contravene section 239 respecting the requirement to be registered as an election advertising sponsor. At each general election there are cases of advertising by unregistered sponsors – often without the required sponsor information. Although it is an offence, it is difficult to enforce the Act in this regard as it is not likely that such an offence would result in prosecution.

Recommendation:

Establish an administrative penalty that can be imposed by the Chief Electoral Officer for sponsoring election advertising without being registered.

Section 270 – Public notice requirements

The Act currently requires that public notices be published in newspapers, and only allows the Chief Electoral Officer discretion to use other means if newspaper publication is not possible. Newspaper publication is not always an efficient or effective means of communicating information to the public. The use of "householder" brochures, direct mail and other media are often more appropriate.

Recommendation:

Establish authority for the Chief Electoral Officer to determine the best means possible to communicate information to the public when required to do so under the Act.

Section 283 – Regulations of the chief electoral officer
This section establishes the specific authority of the Chief Electoral Officer to make Regulations. If the amendment to section 213 is accepted, this section will require amendment to establish authority for the Chief Electoral Officer to prescribe the accounting standard or method to be used for reports.

Recommendation:

Establish authority for the Chief Electoral Officer to prescribe the accounting standard or method to be used for reports under section 213(1).

Recommendations for Amendments to the *Recall and Initiative Act*

The following recommendations are to ensure consistency between the *Election Act* and the *Recall and Initiative Act.*

Section 34(1)(b) – General obligations of financial agent; and
Section 109(1)(b) – General obligations of financial agent
The Act requires the financial agent to deposit all money received for an authorized participant into an account in a savings institution, and requires that all expenditures of the authorized participant be paid from an account in a savings institution. A clarifying amendment is required to ensure that a separate account is established for each authorized participant to prevent the combining of financial transactions and to ensure an adequate audit trail.

Recommendation:

Require that a separate bank account be established and maintained for each authorized participant.

Section 114(4)(b) and (c) – Recall expenses
The Act includes the costs of travelling to or within an electoral district as a personal recall expense of a proponent or MLA subject to recall - but not travel "from" the electoral district.

Recommendation:

Amend the Act to include the costs of travelling from an electoral district.

Other Issues

Election financing review

The intent of regulating election finances is to create a level playing field and ensure transparency. At the time the current *Election Act* was established in 1995, the campaign finance provisions in British Columbia were at the forefront in Canada. Since that time, public policy in this regard has continued to evolve across Canada. This report makes several specific recommendations in relation to the administration of campaign financing. However, it may be appropriate to review all current election financing provisions in light of national trends and shifting public expectations and social attitudes.

Registration of political parties

Concern has been expressed regarding the proliferation of registered political parties in British Columbia. B.C. has substantially more registered political parties than any other jurisdiction in Canada. With 39 registered parties as of January 20, 2006, it far exceeds the next highest number of parties registered at the provincial level – nine in Ontario and 11 in Quebec. Federally, 15 political parties are registered with Elections Canada.

It is very easy to register a political party in British Columbia, and to maintain registration status. Most jurisdictions provide for the registration of political parties based on one of three criteria: the party is represented in the Legislative Assembly; the party endorsed a specific number of candidates in the previous general election; or, the party demonstrates a level of public support by submitting a specific number of signatures of voters or party members. British Columbia does not require any signatures of voters as part of the registration process for political parties between elections, nor is registration based on the electoral success of a party.

Once registered, most other jurisdictions have a higher threshold for a political party to maintain registration status. A political party in B.C. must endorse at least two candidates in either of two sequential general elections, or endorse one candidate who is elected in order to maintain registration status. Registered political parties in B.C. are entitled to issue tax receipts for political contributions, are entitled to have the party name appear on the ballot, and are entitled to receive a copy of the provincial voters list. Every registered political party must submit an annual financing report, and may be deregistered for failure to file.

During the 2005 General Election, 25 of the 45 political parties registered in B.C. at that time endorsed candidates; 20 parties did not endorse any candidates, 18 parties endorsed candidates in fewer than 10% of the electoral districts, and six parties were deregistered for failing to endorse sufficient candidates in two sequential general elections. Only three registered parties endorsed candidates in all electoral districts.

The following table summarizes political party registration requirements for all Canadian jurisdictions.

Jurisdiction	Number of Registered Political Parties as of January 2006	Requirements to Demonstrate Support [1]
Alberta	9	• Held at least three seats in the Legislative Assembly following the most recent election; or • ran candidates in at least 50 percent of the electoral divisions in the most recent general election; or • runs candidates in at least 50 percent of the electoral divisions in a current general election; or • names, addresses and signatures of persons who represent 0.3% of the number of eligible voters at the last general election and who are currently eligible to vote.
British Columbia	39	• No signatures required. • Must endorse at least two candidates in one of two sequential general elections, or have one candidate elected to maintain registration status.
Canada	15	• Party must submit name, addresses and signatures of 100 electors who are members of party. • Must nominate at least one candidate at each general election to maintain registration status.
Manitoba	6	• The party holds four or more seats in the Assembly; or • the political party held four or more seats in the Assembly immediately before the date of issue of the writs for a current general election; or • has endorsed five or more candidates in a current general election; or • signatures of 2,500 persons who were eligible voters during the most recent general election.

[1] as of January 2006

Jurisdiction	Number of Registered Political Parties as of January 2006	Requirements to Demonstrate Support [1]
New Brunswick	3	• Party ran at least 10 candidates at the last general election; or • is the party of which the Premier is Leader; or • is the party of the Leader of the Official Opposition; or • is a party whose leader was elected by a convention, which has district associations in at least 10 electoral districts and that undertakes to run candidates in at least 10 electoral districts at the next general election.
Newfoundland and Labrador	4	• Party submits names, addresses and signatures of 1,000 eligible voters; or • nominated candidates in at least 12 electoral districts in the most recent general election; or • nominated candidates in at least 12 electoral districts in a current general election..
Northwest Territories	N/A	No political parties recognized.
Nova Scotia	3	• Party submits signatures of 25 electors in each of 10 electoral districts. • Must endorse at least 10 candidates at each general election to maintain registration status.
Nunavut	N/A	No political parties recognized.
Ontario	9	• Party submits names, addresses and signatures of 10,000 eligible voters; or • runs candidates in at least 50 percent of the electoral districts in a general election. • To maintain registration, at least one candidate must be nominated in a general election.

[1] as of January 2006

Jurisdiction	Number of Registered Political Parties as of January 2006	Requirements to Demonstrate Support [1]
Prince Edward Island	3	• Party submits names, addresses and signatures of persons who represent 0.35% of the number of electors eligible to vote at the last general election and who are currently eligible to vote in an election; or • held at least one seat in the Legislative Assembly following the most recent election; or • ran at least 10 nominated candidates in the most recent general election; or • runs at least 10 nominated candidates in a general election.
Quebec	11	• Party submits names, addresses and signatures of at least 25 electors per electoral division in each of 20 electoral divisions who are members or supporters of the party.
Saskatchewan	6	• Party submits signatures of 2,500 voters, 1,000 of whom must reside in at least 10 different constituencies (minimum of 100 electors in each).
Yukon	3	• Party submits names, address and signatures of at least 100 eligible voters who are members of the party.

[1] as of January 2006

Nomination deposits

The *Election Act* currently requires all candidates to submit a $100 deposit as part of the nomination process. This deposit is refunded if the candidate receives 15% of the total votes accepted and counted in the election. Other jurisdictions in Canada have deposit amounts ranging from $0 to $1,000 and have a variety of criteria for reimbursement. Concern has been expressed by some political parties and candidates regarding the criteria for reimbursement of nomination deposits in British Columbia.

The current nomination deposit amount of $100 for B.C. candidates is among the lowest in Canada. Four of the 14 jurisdictions require $100 as a candidate's nomination deposit; six jurisdictions have a $200 nomination deposit. Federal candidates must deposit $1,000 and Alberta recently increased their deposit from $200 to $500. Only Quebec and Manitoba require no deposit. Nomination deposits have never been a requirement in Quebec. The nomination deposit in Manitoba was repealed in 1970 when other nomination requirements were introduced.

The number of candidates at each general election in British Columbia has declined since 1996; there were 101 fewer candidates in the 2005 General Election than in the 1996 General Election, even though the number of registered political parties dramatically increased during the same period. Canadian jurisdictions are increasingly using the nomination deposit as a refundable 'performance bond,' where candidates are reimbursed when they complete their financial reporting.

There are three ways jurisdictions currently determine reimbursement eligibility. Two are thresholds as percentages of votes, and the third is related to the submission of an election financing report. In four jurisdictions, including British Columbia, reimbursement is based on the number of votes a candidate receives as a percentage of the total votes considered, ranging from 10% to 15%. In five jurisdictions, the threshold for reimbursement is the number of votes a candidate receives as a percentage of the total votes received by the winning candidate, ranging from 25% to 50%. Six jurisdictions have reimbursement criteria related to the submission of election financing reports. Some jurisdictions combine these criteria. Additionally, some jurisdictions reimburse nomination deposits if the nominee's candidacy is not finalized or if the candidate withdraws. All jurisdictions, other than Yukon, have provisions for the full refund of the nomination deposit in the case of the candidate's death prior to the close of voting on General Voting Day.

The following table summarizes the nomination deposit requirements and the criteria for reimbursement for all Canadian jurisdictions.

Jurisdiction	Deposit Amount	Criteria for Reimbursement

Alberta	$500	• ½ refunded:
		  • if elected; or
		  • receives at least 50% of the votes of the winning candidate; or
		  • withdraws within 48 hours of filing nomination papers.
		• ½ refunded for filing financing report on time.

British Columbia	$100	• Candidate receives at least 15% of total votes counted.
Canada	$1,000	• Candidate provides required documents and returns unused forms (to the satisfaction of the CEO).
Manitoba	No deposit	--
New Brunswick	$100	• If elected; or • receives at least 50% of the votes of the winning candidate.
Newfoundland and Labrador	$100	• If acclaimed; or • if the candidate receives 15% of popular vote and submits financing report/ auditor's report; or • if writ is withdrawn.
Northwest Territories	$200	• When election financing report is submitted; or • if writ is withdrawn.
Nova Scotia	$100	• If elected; or • if candidate receives at least 15% of total valid votes cast and granted interim certificate by CEO for submitting finances report.
Nunavut	$200	• When candidate files a complete return within the post election period; or • if writ is withdrawn.
Ontario	$200	• If candidate receives at least 10% of valid votes cast.
Prince Edward Island	$200	• If elected; or • receives at least 50% of the votes of the winning candidate.

Jurisdiction	Deposit Amount	Criteria for Reimbursement
Quebec	No deposit	--
Saskatchewan	$100	• If elected or receives at least 50% of the votes of the winning candidate; • if election found void/set aside; • if Returning Officer refuses to issue certificate of candidacy; • if candidate and business manager have complied with requirements related to candidate's election expenses return.
Yukon	$200	• Candidate receives at least 25% of the votes of the winning candidate.

The following table shows the number of candidates in the 2005 General Election that would have received reimbursement of their nomination deposit based on various thresholds and criteria.

Threshold	Total # of Candidates	% Eligible	Candidates Eligible for Reimbursement			
			1st place candidates	2nd place candidates	3rd place candidates	4th place candidates
15% of total votes counted (current)	163 / 412	39.60%	All	All	5	None
10% of valid votes cast	185 / 412	44.90%	All	All	22	None
25% of winner	167 / 412	40.50%	All	All	9	None
50% of winner	148 / 412	35.90%	All	11 would not	None	None
Submit election financing report	412 / 412	100%	All	All	All	All
5% of valid votes cast	238 / 412	57.80%	All	All	75	5

Encouraging participation in electoral democracy

Although considerable research has been conducted on the issue of voter participation, there has been little public discussion about the ability of individuals to participate in electoral democracy in other ways, such as working as an election official or volunteering in a campaign. It has been Elections BC's experience that experienced and knowledgeable individuals are sometimes unable to commit to positions as District Electoral Officers due to other employment commitments. Often, only unemployed individuals are available to work as voter registration officials or election officials, resulting in shortages of staff at voting places.

The *Election Act* provides for candidates to receive leave without pay from their usual employment during the period of their candidacy. Manitoba has established that individuals are entitled to leave without pay from their usual employment in order to be a candidate or to work as an election official, an enumerator, or to volunteer to work on a campaign. The adoption of a similar model in British Columbia may help to revitalize the electoral process by making participation in a wide range of roles available to more people.

Making electoral democracy accessible

Recent studies indicate that approximately 40% of British Columbians do not meet international standards of literacy proficiency. Although this is better than the Canadian average of 48%, it represents a significant barrier to individuals accessing their electoral rights. There are many opportunities to register to vote, to become a candidate and to vote in British Columbia. However, the process is not fully accessible to individuals with literacy issues.

Elections BC will be reviewing its forms, guides and public information to ensure that plain language standards are met. However, these measures do not address a primary concern; facilitating voting by individuals who cannot read a ballot. The *Election Act* permits voters to be assisted by an election official or another individual if they have difficulty reading or writing. However, many adults with literacy issues or learning disabilities choose not to seek assistance, being reluctant to publicly acknowledge the issue. Party symbols or logos are used on ballots in some jurisdictions to address literacy issues. However, the rights of independent candidates must also be protected.

Elections BC has translated several documents into 16 languages to assist voters whose mother tongue is not English. The organization has also hired liaison officers in previous elections to work with major ethnic groups in the province, and election advertisements are placed in ethnic newspapers. The *Election Act* permits the use of interpreters to assist voters at the voting place. However, many voters with English as a second language do not participate in elections due to language barriers.

It is recommended that further research be conducted into legislative and administrative mechanisms to enhance the accessibility of the electoral process for individuals with literacy issues, and for individuals with English as a second language.

Impact of fixed election date on election advertising and expenses limits

Since the establishment of fixed dates for general elections, concerns have been expressed that the effectiveness of election expenses limits and rules regarding the identification of election advertising sponsors may be compromised. Amendment of the definition of campaign period for fixed date events could address these concerns. This issue was acknowledged in relation to the 2005 Referendum on Electoral Reform. The Regulation relevant to that event established the campaign period as the period starting on March 1, 2005 and ending at the close of voting on General Voting Day.

Campaign issues

At each election, issues are raised by political parties, candidates and voters regarding campaign activities. The following matters require review and consideration of legislative remedies to ensure fairness during election campaigns.

Right of entry

The *Residential Tenancy Act* currently provides access to rental properties for candidates or their representatives for campaign purposes during an election. There are no parallel provisions for referendum, recall or initiative campaigns. The *Canada Elections Act* provides for access to apartment buildings, condominiums or other multiple residences by candidates or their representatives between 9 a.m. and 9 p.m. for campaign purposes.

Candidate forums and debates

Some candidates are excluded from 'all candidate' forums or debates due to criteria established by the organizers. While the number of candidates invited to such an event is sometimes limited due to time or space constraints, in some circumstances a specific candidate is excluded due to their platform or the party they represent. This is seen by candidates as an infringement of their rights, but no provincial statute protects candidates' interests in this regard.

Campaign signs

While many complaints are received by Elections BC regarding campaign signs during an election, the majority of the complaints are in relation to the absence of authorization statements or the placement of signs. The *Election Act* establishes that campaign signs cannot be within 100 metres of a voting place or district electoral office. Other sign placement rules have been established by the Ministry of Transportation and by local governments.

During every election, however, many signs are vandalized or removed. In some instances, the campaign signs for specific candidates are selectively removed although they are not in violation of sign placement by-laws. Legislators might find it appropriate to protect the rights of candidates by establishing an offence for the defacement, destruction or removal of a lawfully placed campaign sign. It may also be appropriate to require that campaign signs be removed by a specified date after an election to ensure that campaigns take responsibility for the material and its disposal.

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